

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:10-CV-63-FL

MIGUEL MALDONADO,

Plaintiff,

v.

JANET NAPOLITANO and BUREAU OF
IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendants.

ORDER

This matter is before the court on *pro se* plaintiff's motion for "naturalization pending review of petition for declaratory judgment" (DE # 3). The government has not responded. For the continued efficient administration of this matter, the court denies plaintiff's motion without prejudice to renewal and directs plaintiff to refile the same after defendants file their answer.

Plaintiff filed motion to proceed *in forma pauperis* ("IFP") on November 18, 2010. That same day, plaintiff filed the instant motion. The motion to proceed IFP was referred to the United States Magistrate Judge for review. On July 6, 2011, the magistrate judge entered order granting leave to proceed IFP and plaintiff's complaint was filed the same day. The complaint incorporates by reference the allegations in the instant motion.

As it now procedurally posed, the response time for the instant motion passed long before defendants were ever served with complaint. As such, the matter is not fully briefed, and the court is without benefit of defendants' response. To promote the efficient administration of this matter,

and ensure that defendants have sufficient opportunity to respond and that the court has the benefit of defendants' response, the court DENIES plaintiff's motion (DE # 3) without prejudice to renewal.

Plaintiff may refile his motion after defendants file their answer.

SO ORDERED, this the 9th day of September, 2011.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
Chief United States District Judge